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08/904,056	07/31/1997	TODD D. LINDSEY	P1172US00	3259
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GATEWAY, INC. ATTN: PATENT ATTORNEY 610 GATEWAY DRIVE N. SIOUX CITY, SD 57049			EXAMINER KUMAR, SRILAKSHMI K	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

08/904,056

**Applicant(s)**

LINDSEY, TODD D.

**Examiner**

SRILAKSHMI K. KUMAR

**Art Unit**

2629

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23, 26-32, 34, 37-44 and 46-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23, 26-32, 34, 37-44, and 46-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### DETAILED ACTION

The following office action is in response to the amendment filed on June 4, 2008. Claims 23, 26-32, 34, 37-44, and 46-62 are pending. Claim 34 is amended. Claims 59-62 are newly added.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **23, 32, 34, 41 and 47-58, 60-62** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jasinski et al (US 5,063,289) in view of Barraza et al (US 5,812,085).

With reference to **claims 23, 34, and 41**, Jasinski et al teach a mouse device (Figs. 1 & 2) for a computer (Jasinski teaches a conventional computer item 34, col. 3, lines 7-9), incorporating a multimedia device, comprising: a housing having a bottom wall for resting on and moving across a substantially flat surface during use (Fig. 2, the underside of the mouse that glides across a surface), the housing having an upper wall extending upwardly from a perimeter of the bottom wall that defines an interior of the housing above the bottom wall (Figs. 1 and 2); a mouse button (items 19 and 20) disposed on the upper wall of the housing and configured to control an operation of the computer; a cursor control device (item 15) disposed on the bottom wall of the housing (Fig. 2, item 15 is underneath) and configured to detect movement of the bottom wall of the housing across the substantially flat surface such that the movement of the

housing across the surface actuates the cursor control device (col. 3, lines 1-13); a connection (col. 3, lines 1-13, item 33 is the cable that provides the signals to the computer) that transmits signals generated by the mouse button, the cursor control device and the multimedia control device to the computer (col. 3, lines 1-12 where the signals from the mouse control is sent to the microprocessor);

Jasinski et al does not teach a multimedia audio control device disposed on the upper wall of the housing, the multimedia audio control device being configured to control only audio of the multimedia device of the computer; and wherein the multimedia audio control device directly controls the audio of the multimedia device of the computer in a single step and without the use of a menu or other graphic display

Barraza et al teaches in col. 1, lines 4-7, the invention of a remote control input device for use with TVs; Computers, VCRs or Digital Satellite Systems. Barraza et al teach a multimedia audio control device disposed on the upper wall of the housing (Fig. 4, item labeled vol.), the multimedia audio control device being configured to control only audio of the multimedia device of the computer (Fig. 4, item labeled vol.), and wherein the multimedia audio control device directly controls the audio of the multimedia device of the computer in a single step and without the use of a menu or other graphic display (while Barraza et al does not explicitly state where the audio control directly controls without a menu or other graphic display, it is inherent to the remote device of Barraza et al as the button labeled volume only controls volume).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the multimedia audio control on the mouse as taught by Barraza et al into the mouse device of Jasinski in order for the input device to be more versatile.

As to dependent **claim 32**, limitations of claim 23, and further comprising, Jasinski et al teach wherein the cursor control device comprises a mouse ball extendable through the bottom wall of the housing (Figs. 1 and 2, item 15 and col. 2, lines 45-54).

As to dependent **claims 47-49**, limitations of claim 23, and further comprising, Jasinski et al teach wherein the upper wall of the housing comprises a top wall portion (Fig. 2, item 21) and a perimeter wall (Fig. 2, item 17) portion extending between the top wall portion of the upper wall and the bottom wall, the mouse button (Fig. 2, items 19 and 20) being disposed on the top wall portion of the upper wall. Examiner takes Official Notice that the at least one multimedia control device being disposed on the perimeter wall portion of the upper wall, and wherein the at least one multimedia control device comprises multiple actuators and at least one actuator is disposed on the top wall portion of the upper wall and at least one actuator is disposed on the perimeter wall portion of the upper wall is well known in the art. It would have been obvious to one of ordinary skill in the art that control buttons are placed on different areas of the computer mouse as the placement enables the user to easily actuate the buttons and for convenience.

As to dependent **claims 50, 52 and 54**, limitations of claims 23, 34 and 41, and further comprising, Jasinski et al teach wherein said connection and said signals are first signals (col. 3, lines 1-13). Barraza et al teaches wherein said computer being configured to transmit second signals via a second connection to the multimedia device (Fig. 4, the other multimedia buttons send second signals).

**As to dependent claims 51, 53 and 55**, limitations of claims 23, 34 and 41, Jasinski et al inherently teach wherein said computer comprises a screen configured to display a cursor

controlled by said cursor control device as the mouse of Jasinski et al is to be used with a computer, thus inherently requires a display screen.

As to dependent **claims 56-58**, limitations of claims 23, 34 and 41, further comprising, Barraza et al teach in Fig. 4, wherein the audio control is configured to control volume of the multimedia device, and wherein the multimedia device includes a volume control button to control the volume independent of said audio control (where there are distinct volume buttons, and also another audio control button in the form of a mute button).

As to dependent **claims 60-62**, limitations of claims 23, 34 and 41, and further comprising, the combination of Jasinski and Barraza teach wherein the multimedia device (taught by Jasinski) is configured to receive audio control signals (taught by Barraza) from said computer (Jasinski teaches the control device that sends the control signals to the computer to send to other devices that are part of the computer. Barraza teaches where the audio control is sent to the multimedia device, specifically, wherein the multimedia audio control device directly controls the audio of the multimedia device of the computer in a single step).

3. Claim **39** rejected under 35 U.S.C. 103(a) as being unpatentable over Jasinski et al (US 5,063,289) in view of Barraza et al (US 5,812,085) and further in view of Applicant's Admitted Prior Art (AAPA).

As to dependent **claim 39**, limitations of claim 34, and further comprising, Jasinski et al as modified by Barraza et al fails to teach wherein the multimedia device is integrated with the computer. The admitted prior art teaches that multimedia applications for computer typically come installed with at least one audio and/or video device, wherein it is further stated that CD-

ROMs drives are common and allow computer users to play audio and video which reside on CD-ROMs inserted into the drive (see page 1, line 9-page 2, line1).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the multimedia device to be incorporated within the house of the computer as discussed in the admitted prior art, which can be controlled by a mouse device having direct control when controlling multimedia devices as described by Jasinski et al and Barraza et al, in order to thereby provide a mouse device which is capable of controlling a multimedia device integrated within the computer which allows for easier control over the multimedia device to the user.

4. Claims **26, 37 and 42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jasinski et al in view of Barraza et al (US 5,812,085) further in view of Hall (US. 6,188,387).

With reference to **claims 26 and 42**, Jasinski et al, as modified by Barraza et al, teach all that is required as explained above with reference to claims 23, 32, 34, and 41. Jasinski et al and Barraza et al fail to specifically teach that the signals from the multimedia device control and the computer cursor-positioning device are packetized as recited in the claim. Hall teaches data transmission from a mouse to a host computer (see abstract) so as to transmit mouse activity through the cable (5) whenever there is a change in the mouse. A change of state is defined as any motion of the mouse or any change in the position of either of its buttons (see column 3, lines 8-21). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the signals from the computer cursor positioning device to be packetized and transmitted to a host computer similar to that which is taught by Hall, in a system

similar to that which is taught by Jasinski et al, Barraza et al, and the admitted prior art in order to control the functions of the multimedia device at a faster rate.

With reference to **claim 37** Jasinski et al and Barraza et al teach all that is required, however fail to specifically teach that the signals from the multimedia device control and the computer cursor-positioning device are packetized as recited in the claim. Hall teaches that the signals from the multimedia device control and the computer cursor-positioning device are packetized as recited in the claim in teaching that the data transmission from a mouse to a host computer (see abstract) so as to transmit mouse activity through the cable (5) whenever there is a change in the mouse. A change of state is defined as any motion of the mouse or any change in the position of either of its buttons (see column 3, lines 8-21). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the signals from the computer cursor positioning device to be packetized and transmitted to a host computer similar to that which is taught by Hall, in a system similar to that which is taught by Jasinski et al, Barraza et al, and the admitted prior art in order to control the functions of the multimedia device at a faster rate.

5. Claims **27-31, 38, 40, 43, 44 and 46 and 59** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jasinski et al in view of Barraza et al (US 5,812,085) as applied to claims 23, 34, and 41 above, and further in view of Schindler et al. (U.S. Patent No. 5,900,867).

With reference to **claims 27 and 38**, Jasinski et al, and Barraza et al, fail to teach the usage of a serial port on the computer. Schindler et al. teaches an entertainment system using a personal computer as the heart of the system wherein the personal computer contains suitable receiving circuitry, which provides indications of the keys being pressed, being a serial

connection or other form of connection (see column 5, lines 34-41). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow for the computer device as taught by Jasinski et al, Barraza et al, and the admitted prior art to include a serial port as suggested by Schindler et al. in order to provide a source for receiving the signals from the multimedia control and the cursor control in order for the signals to be processed for carrying out the appropriate function of the multimedia device (see column 5, lines 34-41).

With reference to **claims 28, 44, and 46**, Jasinski et al teaches the usage of keys (62) for providing a broad range of conventional television remote control commands disposed on the upper wall of the housing (see column 5, lines 54-55). As well known in the art, volume control is well known conventional television remote control commands. Barraza et al teaches the usage of the controller (34) for controlling the volume of a speaker (12) located in the housing of the monitor (10) (see column 1, lines 10-20; column 2, lines 39-42). Jasinski et al and Barraza et al however fail to specifically teach that the multimedia control device comprises a volume control slider or wheel. Schindler et al. teaches the usage of channel control buttons (916) and volume control (918), as well as thumbwheel (934). It is taught that thumbwheel (934) is used to adjusting the power of the RF signal (see column 14, lines 33-37). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the thumbwheel of Schindler et al. having the ability to be used as the volume control in the multimedia device taught by Jasinski et al, Barraza et al, and Schindler et al. It would be obvious to allow for such modification because it is well known to those skilled in the art interchangeably using switches, buttons, sliders, wheels, trackball, etc. as input devices. This would allow for arrangement, which may be more comfortable for the user to manipulate.

With reference to **claims 29-31**, Jasinski et al teaches that the multimedia control device comprises multiple actuators (keys 58, 62, 66) disposed on the upper wall of the housing for directly controlling functions of tuning and other television functions (see column 5, lines 23-65, column 6, lines 63-68), wherein the functions are any of a broad range of conventional television remote control commands (see column 5, lines 54-55). Further, Barraza et al teaches the usage of the mouse (Fig. 4) for controlling the volume (see Fig. 4, item labeled vol). Jasinski et al as modified by Barraza et al fails to specifically teach that the multimedia control device comprises multiple actuators for directly controlling functions of a CD-ROM device or speaker, wherein one or more such functions are selected from a group of conventional functions.

Schindler et al. teaches that one of the multimedia devices consist of a CD jukebox (168) and stereo-surround sound system (158) for audio output to one or more speakers (160). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of the CD and speaker devices of Schindler et al. in a multimedia device similar to that which is taught in the combinations of Jasinski et al and Barraza et al in order to provide the user with a more accessible manner for controlling the functions of a plurality of different device from one control device.

With reference to **claims 40, 43 and 59**, Jasinski et al and Barraza et al, teach all that is required as explained above with reference to claim 34, however fail to teach the usage of a amplifier coupled to at least on of a speaker, radio tuner, television tuner, or an optical display player. While Jasinski et al and Barraza et al teach a plurality of multimedia control devices for controlling different multimedia devices, there fails to be teachings of the multimedia control devices being located on different parts of the housing. Schindler et al. teaches the usage of

amplified speakers (1624) (see column 21, lines 7-9). Schindler et al. also teaches a plurality of multimedia control devices for controlling a plurality of different multimedia devices wherein some of the buttons are located on the top of the housing and wherein a selection button (913) is provided under the housing. Moreover, location of the multimedia control devices is designer's choice, wherein it would be obvious to allow the buttons to be placed in various positions of the device for more convenient control for the user. Therefore it would have been obvious to allow the usage of an amplifier to be used in conjunction with the speakers, and to allow the placement of the control buttons to be located in different positions on the control device similar to that which is taught by Schindler et al. in a system similar to that which is taught by Jasinski et al, Barraza et al, and the admitted prior art in order to improve the sound be emitted from the speakers when playing audio on the system.

***Response to Arguments***

6. Applicant's arguments filed June 4, 2008 have been fully considered but they are not persuasive.

With respect to independent claims 23, 34 and 41, Applicant argues where Barraza doesn't teach "multimedia audio control device being configured to control only audio of the multimedia device of the computer", and where the "VOL" button does not conform to this feature. Examiner, respectfully, disagrees. The prior art of Barraza is added to the prior art Jasinski et al in order to teach where a control device of the computer comprises a specific audio control of the multimedia device. Barraza teaches in col. 1, lines 4-7, where the control device of the invention "for remotely operating a controlled device, such as a "...computer (PC)"... As the remote control device of Barraza teaches a "VOL" button, it would inherently control the

audio of the multimedia device of the computer. Therefore, the prior art of Barraza controls the audio device of a computer, and would control the audio of the multimedia device of the computer in a single step. Therefore satisfies the limitations set forth in the independent claims.

Applicant argues on page 14 where the prior art of Barraza is unlikely to route signals through a computer coupled to the various components, and is completely silent with regards to the method of adjusting volume. Examiner, respectfully, disagrees. The prior art of Barraza teaches in col. 1, lines 4-7 that the invention is for remotely operating a controlled device, such as a TV, Computer (PC), DSS, CABLE, etc. Barraza does not teach that the TC, DSS, Cable are connected to or through the computer. Examiner contends that since the prior art of Barraza teaches remotely controlling of a computer (PC), the audio control related to the computer multimedia devices would be controlled through the computer. Therefore teaching the limitation of controlling the audio of the multimedia devices.

Applicant argues where the limitation of “a connection that transmits signals generated by the mouse button, the cursor control and multimedia audio control device to the computer” is not taught by the combination of Jasinski and Barraza. Examiner, respectfully, disagrees. Jasinski teaches this feature by the cable connecting the mouse to the computer. Any signals from a mouse control would be transmitted to the computer device as is inherent to the system. Similarly, with respect to the limitation of “a connection that operatively couples the pointing device to a corresponding port of the computer through which all communication between the pointing device and the computer occurs”, Jasinski teaches this feature by the cable connected from the mouse to the port at the rear of the cpu for transmitting communication signals.

Therefore, the rejection above has been maintained and made FINAL.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SRILAKSHMI K. KUMAR whose telephone number is (571)272-7769. The examiner can normally be reached on 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sumati Lefkowitz/  
Supervisory Patent Examiner, Art Unit 2629

Srilakshmi K Kumar  
Examiner  
Art Unit 2629

SKK  
September 12, 2008